

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

In re: ) Chapter 11  
 )  
EASTERN LIVESTOCK CO., LLC, ) Case No. 10-93904-BHL-11  
 )  
Debtor. )  
\_\_\_\_\_

**TRUSTEE'S MOTION TO STAY DEADLINES  
IN COFFEYVILLE CONTESTED MATTER**

James A. Knauer ("Trustee") respectfully requests that the Court stay the remaining deadlines set forth in the *Order Granting Agreed Motion to Extend Deadlines in Scheduling Order Regarding Contested Matter Involving Coffeyville's Reserved Objections to Trustee's Purchase Money Claims Report* (Doc. No. 953) (the "Scheduling Order") and states the following in support:

1. This contested matter between the Trustee and creditor Coffeyville Livestock Market ("Coffeyville") involves the same legal issues that have been raised in other adversary proceedings and contested matters pending under the umbrella of Eastern Livestock's bankruptcy. More specifically, Coffeyville's objection to the Trustee's purchase money claims report is premised entirely on a theory of constructive trust.

2. In ruling on the constructive trust issue in the "Texas Interpleader," the Court granted the Trustee's summary judgment motion "foreclosing claims based on the proposition that any unpaid seller of cattle has a constructive trust or similar equitable interest derived from common law." *Order on Trustee's Motion for Partial Summary Judgment* (the "Constructive Trust Order") p. 2, Doc. No. 379, AP No. 11-59093. The Court indicated this ruling also applied to another contested matter in Eastern's bankruptcy in which this issue had been briefed and also issued an order in the "Downs adversary proceeding" on the same grounds.

*See id.* at p.2 n.2; *see also Order on Trustee's Motion for Partial Summary Judgment*, Doc. No. 59, AP No. 11-59086.

3. The Trustee believes that the reasoning in the Constructive Trust Order applies with equal force to the instant dispute and effectively disposes of Coffeyville's objection to the purchase money claims report. Accordingly, the Trustee has requested that Coffeyville withdraw its objection.

4. In the event Coffeyville does not withdraw its objection by Friday, March 9, 2012, the Trustee intends to move formally for summary judgment requesting that the Court enter an order with respect to this contested matter expressly adopting its reasoning from the Constructive Trust Order.

5. Currently, the Scheduling Order establishes a March 5, 2012, deadline by which the Parties shall file with the Court a stipulation of material facts not in dispute and a notice identifying their suggested fact and legal issues to be decided by the Court and a March 30, 2012, dispositive motion deadline. No trial or hearing date has been set.

6. The Trustee seeks to stay these remaining deadlines set forth in the Scheduling Order to permit either Coffeyville to withdraw its objection or the Trustee to file a dispositive motion, as described above.

WHEREFORE, the Trustee respectfully requests that the Court enter an order staying the deadlines contained in the Scheduling Order and granting all other appropriate relief.

FAEGRE BAKER DANIELS LLP

By: /s/ Kevin M. Toner

Kevin M. Toner (11343-49)  
Harmony Mappes (27237-49)  
Dustin R. DeNeal (27535-49)  
300 N. Meridian Street, Suite 2700  
Indianapolis, IN 46204-1782  
Telephone: (317) 237-0300  
[kevin.toner@faegrebd.com](mailto:kevin.toner@faegrebd.com)  
[harmony.mappes@faegrebd.com](mailto:harmony.mappes@faegrebd.com)  
[dustin.deneal@faegrebd.com](mailto:dustin.deneal@faegrebd.com)

*Counsel for James Knauer, as Chapter 11 Trustee  
for Eastern Livestock Co., LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 5, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David L. Abt  
davidabt@mwt.net

C. R. Bowles, Jr  
cbowles@bgdlegal.com

John Hunt Lovell  
john@lovell-law.net

Mark A. Robinson  
mrobinson@vhlaw.com

Jeffrey R. Erler  
jeffe@bellnunnally.com

Edward M King  
tking@fbtlaw.com

Randall D. LaTour  
rdlatour@vorys.com

John R. Carr, III  
jrciii@acs-law.com

Bret S. Clement  
bclement@acs-law.com

Daniel J. Donnellon  
ddonnellon@ficlaw.com

Stephen A. Weigand  
sweigand@ficlaw.com

John Frederick Massouh  
john.massouh@sprouselaw.com

John W. Ames  
james@bgdlegal.com

Robert Hughes Foree  
robertforee@bellsouth.net

Kim Martin Lewis  
kim.lewis@dinslaw.com

Jeremy S Rogers  
Jeremy.Rogers@dinslaw.com

Ivana B. Shallcross  
ishallcross@bgdlegal.com

Deborah Caruso  
dcaruso@daleeke.com

Meredith R. Thomas  
mthomas@daleeke.com

William Robert Meyer, II  
rmeyer@stites.com

Allen Morris  
amorris@stites.com

Charles R. Wharton  
Charles.R.Wharton@usdoj.gov

James Bryan Johnston  
bjtexas59@hotmail.com

James T. Young  
james@rubin-levin.net

David L. LeBas  
dlebas@namanhowell.com

Judy Hamilton Morse  
judy.morse@crowedunlevy.com

John M. Thompson  
john.thompson@crowedunlevy.com

Jessica E. Yates  
jyates@swlaw.com

John Huffaker  
john.huffaker@sprouselaw.com

Matthew J. Ochs  
matt.ochs@moyewhite.com

Laura Day Delcotto  
ldelcotto@dlgfir.com

Kelly Greene McConnell  
lisahughes@givenspursley.com

T. Kent Barber  
kbarber@dlgfir.com

Ross A. Plourde  
ross.plourde@mcafeetaft.com

Walter Scott Newbern  
wsnewbern@msn.com

Kirk Crutcher  
kcrutcher@mcs-law.com

Todd J. Johnston  
tjohnston@mcjllp.com

Timothy T. Pridmore  
tpridmore@mcjllp.com

Theodore A Konstantinopoulos  
ndohbky@jbandr.com

Karen L. Lobring  
lobring@msn.com

Elliott D. Levin  
edl@rubin-levin.net

Sean T. White  
swhite@hooverhull.com

Michael W. McClain  
mike@kentuckytrial.com

James Edwin McGhee  
mcghee@derbycitylaw.com

Jerald I. Ancel  
jancel@taftlaw.com

David Alan Domina  
dad@dominalaw.com

Jill Zengler Julian  
Jill.Julian@usdoj.gov

Michael Wayne Oyler  
moyler@rwsvlaw.com

James E. Rossow  
jim@rubin-levin.net

Steven A. Brehm  
sbrehm@bgdlegal.com

James M. Carr  
james.carr@faegrebd.com

Shawna M. Eikenberry  
shawna.eikenberry@faegrebd.com

James A. Knauer  
jak@kgrlaw.com

Christie A. Moore  
cmoore@bgdlegal.com

Jeffrey E. Ramsey  
jramsey@hopperblackwell.com

Joseph H. Rogers  
jrogers@millerdollarhide.com

Andrew D. Stosberg  
astosberg@lloydmc.com

Andrea L. Wasson  
andreawassonatty@gmail.com

Sandra D. Freeburger  
sfreeburger@dsf-atty.com

John M. Rogers  
johnr@rubin-levin.net

Robert H. Foree  
robertforee@bellsouth.net

William E Smith  
wsmith@k-glaw.com

Thomas C Scherer  
tscherer@binghamchale.com

Jeffrey J. Graham  
jgraham@taftlaw.com

Kent A Britt  
kabritt@vorys.com

Jeffrey L Hunter  
jeff.hunter@usdoj.gov

Jason W. Cottrell  
jwc@stuartlaw.com

James B. Lind  
jblind@vorys.com

Anthony G. Raluy  
traluy@fbhlaw.net

Jack S. Dawson  
jdawson@millerdollarhide.com

Terry E. Hall  
terry.hall@faegrebd.com

Erick P. Knoblock  
eknoblock@daleeke.com

Shiv Ghuman O'Neill  
shiv.oneill@faegrebd.com

Eric C. Redman  
ksmith@redmanludwig.com

James E. Smith  
jsmith@smithakins.com

Kevin M. Toner  
kevin.toner@faegrebd.com

Christopher M. Trapp  
ctrapp@rubin-levin.net

Lisa Koch Bryant  
courtmail@fbhlaw.net

John David Hoover  
jdhoover@hooverhull.com

Sarah Stites Fanzini  
sfanzini@hopperblackwell.com

Susan K. Roberts  
skr@stuartlaw.com

David A. Laird  
david.laird@moyewwhite.com

Trevor L. Earl  
tearl@rwsvlaw.com

Joshua N. Stine  
jnstine@vorys.com

Amelia Martin Adams  
aadams@dlgfir.com

Robert A. Bell  
rabell@vorys.com

Melissa S. Giberson  
msgiberson@vorys.com

Christopher E. Baker  
cbaker@hklawfirm.com

Dustin R. DeNeal  
dustin.deneal@faegrebd.com

Jay Jaffe  
jay.jaffe@faegrebd.com

Harmony A. Mappes  
harmony.mappes@faegrebd.com

Wendy W. Ponader  
wendy.ponader@faegrebd.com

Joe T. Roberts  
jratty@windstream.net

Robert K. Stanley  
robert.stanley@faegrebd.com

U.S. Trustee  
ustpreion10.in.ecf@usdoj.gov

Eric W. Richardson  
ewrichardson@vorys.com

I further certify that on March 5, 2012, a copy of the foregoing pleading was served via electronic mail transmission on the following:

Ashley S. Rusher  
asr@blancolaw.com

Darla J. Gabbitas  
darla.gabbitas@moyewwhite.com

/s/Kevin M. Toner